



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 31 2005

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

Mr. Glenn Shankle
Executive Director
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Dear Mr. Shankle:

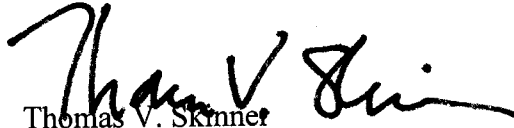
As you know, on November 14, 2001, the United States Environmental Protection Agency (EPA) approved the Texas Low-Emission Diesel (TXLED) program under the Texas State Implementation Plan (SIP). On March 9, 2005, the Texas Commission on Environmental Quality revised the TXLED rule. Among other revisions, the commission extended the beginning date of the TXLED program from April 1, 2005, to a phased approach beginning on October 1, 2005. On February 24, 2005, EPA proposed to revise the Texas SIP to conform to this new beginning date (36 Fed. Reg. 9017). However, it now appears that this SIP revision may not be final by April 1, although we expect this SIP revision will be final within the next three weeks.

Some refiners have said they currently are unable to produce diesel fuel meeting the TXLED standards, and, as a consequence, if the TXLED requirement remains effective under the Texas SIP there may be diesel shortages in areas of Texas affected by TXLED beginning April 1. For these reasons, you have asked that EPA exercise its enforcement discretion to delay the beginning date for the TXLED program under the Texas SIP to allow time for the SIP revision to become final.

Therefore, as a matter of enforcement discretion and in order to avoid any shortage of diesel fuel in Texas, EPA will not enforce the TXLED requirements pending final action on the proposed rule to revise the Texas SIP. This exercise of enforcement discretion begins on April 1, 2005, and expires on the date the SIP revision becomes effective, or on April 22, 2005, whichever occurs first. This action is appropriate in light of the pending status of the proposed Texas SIP revision and the reasons described in that proposal.

If you have any questions, you may call George Lawrence, Chief, Mobile Source Enforcement Branch in the Air Enforcement Division, at (202) 564-1307.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas V. Skinner". The signature is fluid and cursive, with a large initial "T" and a stylized "S".

Thomas V. Skinner
Acting Assistant Administrator

cc: Kathleen Harnett White, Chairman
Texas Commission on Environmental Quality